

**CITY COUNCIL MEETING
CITY OF WATERTOWN
September 19, 2011
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCIL MEMBER ROXANNE M. BURNS
COUNCIL MEMBER JOSEPH M. BUTLER JR.
COUNCIL MEMBER TERESA R. MACALUSO
COUNCIL MEMBER JEFFREY M. SMITH
MAYOR GRAHAM**

ALSO PRESENT: **MARY M. CORRIVEAU, CITY MANAGER
CITY ATTORNEY ROBERT J. SLYE**

City staff present: Ken Mix, Jim Mills, Kurt Hauk, Elliott Nelson, Eugene Hayes, Gary Pilon, Chief Dale Herman, Amy Pastuf, Chief Joseph Goss, Mike Lumbis, Peter Keenan, Beth Morris

The City Manager presented the following reports to Council:

- 1 - Appointing Ann M. Saunders as a Marriage Officer for the City of Watertown
- 2 - Readopting Fiscal Year 2011-12 General Fund Budget
- 3 - Accepting Bid for Police Officers' Uniforms, United Uniforms
- 4 - Accepting Proposal for Flu Shots, MedReady Medical Group
- 5 - Accepting Bid for Prefabricated, Four-Post Metal Pavilions, Denzak Recreational Design & Supply, Inc.
- 6 - Approving the Site Plan for the Construction of a 14,891 Square Foot Freezer Warehouse Addition And a 4,368 Square Foot Loading Dock Addition to The Renzi Foods Freezer Warehouse Located at 901 Rail Drive, Parcel 9-43-101.008
- 7- Approving the Zone Change Request Submitted by Brian J. Burri of Bergmann Associates on Behalf of Sunoco to Change the Approved Zoning Classification of the Rear Section of 1222 Washington Street, Parcel Numbers 14-13-201 and 14-13-232, from Residence A to Neighborhood Business
- 8- Approving the Special Use Permit Request Submitted by Tamara Pulley to Allow ATV, Snowmobile, and Automobile Sales at 426 Arsenal Street, Parcels 7-05-206, 7-05-207, and 7-05-208
- 9- Approving the Special Use Permit Request Submitted by Sheila Sweet to Allow the Continuation of Auto Detailing and Auto Sales, and the Commencement of Auto Repair at 804 State Street, Parcel Number 12-06-322
- 10- Morrison Street Safety Review
- 11- September 12, 2011 Letter from Thousand Islands Area Habitat for Humanity
- 12- Fall Drop Off Flyer
- 13- R. P. Flower Memorial Library Board of Trustees Meeting Minutes of August 9, 2011

- 14- Executive Session – The sale or purchase of real property where public disclosure could affect the value there of and the employment history of a particular individual.

COMPLETE REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of September 6, 2011 was dispensed and accepted as written by motion of Council Member Macaluso, seconded by Council Member Butler and carried with all voting in favor thereof.

PRESENTATIONS

Significant Years of Service Awards

Mayor Graham interrupted the regular course of business to present certificates to employees for their significant years of service. The employees completing 25 years of service were Cheryl Burns, Cheryl Clark, Richard Frezzo, Steven Gebo, Ralph Green, David Harrienger, Chief Dale Herman, Mark Kellar, Thomas Maurer, Shawn McWayne, Kenneth Mix, Thomas Ossola and Tim McConnell. The employee completing 30 years of service was Charles Ball and 35 years of service was completed by John VanBrocklin. Mrs. Corriveau thanked each employee for their dedication and hard work.

Pomco Annual Report

Mayor Graham interrupted the regular course of business to allow Mary Beth Lopez, Director of Client Services and Chrissy Lanigan, Account Manager to present Pomco's annual report to the Council.

Ms. Lopez gave an overview of Pomco's services and enhancements. She explained that the Early Retiree Reimbursement Program (ERRP) was available as a result of the Affordable Care Act. Participation in this program is used to offset the plan costs and the total EERP Reimbursements received were \$120,084. An additional approximately \$83,625 in claims is eligible for submission.

Ms. Lanigan presented a breakdown of Total Plan Expenditures and Adjusted Plan Costs Per Enrollee. The plan costs include expenses for inpatient services, outpatient services, major medical services, prescription drug costs and other costs for administering the plan. The stop loss threshold was \$100,000 per member and the plan received stop loss recoveries in all six time periods. During the 2011/2012 period, approximately \$470,000 will be recovered due to the 2010/2011 claimants. The number of enrollees has increased over the years which reflect an aging population due to more retirees. The average annual increase for the Adjusted Cost was 5.8% and the Adjusted Cost Per Enrollee was approximately 5.5% for the past six time periods

which is below industry averages. Plan Expenditures Per Enrollee show that prescription drug expenses account for the greatest plan cost. There is fluctuation in various categories due to the large claimant utilization over the years.

The Provider Network and Case Management Department have been enhanced to further cut plan costs. There have been continued increases in the Provider Network Utilization which results in discounted claim cost. Utilization Review monitors services for medical necessity and appropriateness. Registered Nurses are on staff to assist with the care needs and the transitions to other levels of care as well as coordinate with facility staff. Specialized programs have also been added to handle the patients with specific conditions such as pregnancy, end-stage renal disease, transplants and cancer. The Pomco website has many additional tools to assist members to make healthy choices.

Council Member Butler inquired about the stop loss coverage premium.

Council Member Smith asked if the city was looking into other options.

Mrs. Corriveau responded that the City did look at other options and the projected stop loss premium is \$466,280.

Council Member Butler asked what the premium reduction would be if the stop loss was raised to \$200,000. He wondered what the reduction would be for the amounts of \$100,000, \$150,000, \$200,000 and \$250,000.

Mrs. Corriveau responded that the City looked at \$100,000, \$125,000 and \$150,000 and she would give that information to Council. She stated that they looked at the option of covering all employees or dropping those that are Medicare eligible. The decision was made to drop those that are Medicare eligible because the chances of having a \$100,000 claim on someone that has Medicare primary are very slim.

Council Member Butler asked who did the analysis on this data.

Mrs. Corriveau responded that Jim Mills, Ms. Rarick and herself reviewed this and made the decision.

Council Member Butler stated that he has discussed this with a local firm and thinks the City should look at a higher stop loss coverage amount. There are very few claims over \$100,000 - \$200,000 and feels that some years the City pays more in premiums than is recovered from the stop loss coverage.

Ms. Lanigan stated that the intent of stop loss coverage is to protect the plan from a catastrophic case.

Council Member Smith stated that the question should be whether the City needs to have \$100,000, \$200,000 or \$300,000 stop loss coverage. He would like to know many claims were over these limits.

Mrs. Corriveau responded that in June this was reviewed as well as the costs and savings associated with changing the plan. She will ensure that the council members get a copy of this analysis.

Council Member Butler asked what other cities are administered by Pomco.

Ms. Lopez responded that Pomco covers Syracuse, Fulton, and many other counties. She stated that the City of Watertown is on the lower end of the stop loss coverage due to the small size of the city. It really depends on the amount of risk that the City wants to take. Increasing the amount of stop loss coverage increases the amount of risk. The team at the City of Watertown needed to evaluate what was gained by increasing the exposure to \$200,000. The change from \$100,000 to \$200,000 is an exposure that can greatly change from year to year. When doing an analysis like this, it is important to review five years because self insured plans will have peaks and valleys.

Council Member Butler stated that in looking at the five years it appears that the City paid more in premiums than was recovered. He would like to see the information from the analysis and feels that this is an opportunity to save money.

Council Member Smith asked how premium quotes were reviewed.

Ms. Rarick responded the City reviewed quotes for four companies.

Council Member Butler stated that prescription drugs cost a lot of money and discussed obtaining prescriptions through other avenues including Canada.

Ms. Lanigan stated that Pro Act is Pomco's prescription vendor and they are always looking for opportunities to cut cost.

Ms. Lopez stated that it is the legal opinion that obtaining medicine from Canada is illegal. Until this option is legal, Pomco cannot endorse it. Pomco does offer mail order prescriptions to cut costs.

COMMUNICATIONS

Communication was received from Brian and Sheila Sweet in regards to the Special Use Permit Request for 804 State Street. Council Members have a copy of this correspondence.

The following claims against the City were received.

1. From National Grid for the damage to a one inch plastic gas service owned by claimant and located at 81 Public Square.
2. From Paul A. Simmons for serious loss of reputation, loss of income, overpayment of fees and other losses and damages which are deemed to be permanent.

3. From Francis D. Conti for injuries resulting from a bicycle accident at the intersection of Franklin Street and Goodale Street.

ABOVE REFERRED TO THE BOARD OF AUDIT

PRIVILEGE OF THE FLOOR

No one addressed the chair during the privilege of the floor

PUBLIC HEARING

AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING THE SPECIAL USE PERMIT REQUEST TO ALLOW ATV, SNOWMOBILE AND AUTOMOBILE SALES AT 426 ARSENAL STREET. PARCEL NO. 7-05-206, 7-05-207, AND 7-05-208.

MAYOR GRAHAM DECLARED THE HEARING OPEN.

Tammy Pulley, 426 Arsenal St., addressed the chair concerning her request for the Special Use Permit. It is her hope to sell ATV's, snowmobiles and cars on the Arsenal Street property. She is looking for a chance to move away from the past. She knows that one neighbor is not happy with the past situation and Ms. Pulley plans to be a good neighbor. She is asking for a probation period to put the nine stipulations in place. She states that her brother is the owner of the property. She has twenty-five years experience in the retail business and wants to come back to her hometown to help the economy. She has been working in the automobile industry for three years. She feels that Arsenal Street is a great location and wants to prove herself with a six months probation period. She presented a petition to the Council with approximately eleven signatures from supporting individuals.

Council Member Macaluso asked how she will sell ATV's and snowmobiles if the customers are not able to test them.

Ms. Pulley stated that it will be similar to buying a lawn mower at Home Depot without testing the machine. She stated that each sale will come with a warranty so there is no need for testing prior to the sale. She also stated that most ATV and snowmobile buyers already know what they are buying and will not need to test the machine.

Council Member Macaluso asked how big her business will be.

Ms. Pulley stated that there will be up to five cars, two to three ATV's and a couple of snowmobiles.

Mayor Graham stated that when selling new ATV's and snowmobiles there is usually a franchise or brand that is sold. He asked Ms. Pulley as to which brand would be sold.

Ms. Pulley stated that she is researching a company from Ohio and did not know the name of the company at this time. She stated that she will obtain the name and relayed it to the Council.

Mayor Graham was uncomfortable with the fact that a franchise was not chosen and stated that new machines cannot be sold without a franchise agreement.

Ms. Pulley would like to sell Hondas but needs to do more research.

Council Member Smith asked if the new machines would need to be tested and serviced as they are taken out of out the crate.

Ms. Pulley stated that service cannot be done on-site and repairs will need to be done somewhere else.

Council Member Butler mentioned that the stipulations from 2003 have not been met and wondered what the contingences were when the permit was first approved to the past business.

Mr. Mix stated that most stipulations were met or attempts were in process but the business ceased to operate and the permit expired.

Council Member Butler asked who owns the brown fence behind the white fence.

Mr. Mix stated that it is on Mr. Steve Daily's property.

Council Member Butler stated that this is Ms. Pulley's brother and the City has wanted this fence to come down for a long time. He stated a good property owner who wants to maintain a good property should have taken the fence down a long time ago.

Ms. Pulley stated that the fence was just addressed with her at the Planning Board and it will be removed.

Marge Howard, 26 North Meadow St., addressed the chair in regards to the concerns from 2003. She stated that one of the major issues was snow removal and the last permit stated that snow removal could not start until 7:00 AM. She stated that the property owner did do landscaping but most had died because it was not maintained. She is very concerned about the noise of the snowmobiles and ATV's. She mentioned that one of the members of the Planning Board expressed concerns on the noise issue as well. She would like to keep the neighborhood as it is. It is quiet and mostly elderly people.

Mr. David Daily, brother of Tamara Pulley, addressed the chair stating that Ms. Pulley has been a successful business person for twenty-five years. He stated that Ms. Pulley deserves the right to a probation period.

Mr. Daily, father of Tamara Pulley, addressed the chair stating that Arsenal Street is one of the busier streets in the City. He feels that Arsenal Street should be zoned commercial from Public Square to the City Limits. He felt that if this occurred, home owners could sell their properties for a higher value.

MAYOR GRAHAM DECLARED THE HEARING CLOSED AT 8:01 P.M.

RESOLUTIONS

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS §11-c (1) of the New York Domestic Relations Law permits the City Council of the City of Watertown to appoint one or more Marriage Officers who shall have the authority to solemnize marriages within the City, and

WHEREAS the City Council of the City of Watertown adopted Local Law No. 2 of 2002, establishing the position of City Marriage Officer under Section 45-11.3 of the Watertown City Code, and

WHEREAS Ann M. Saunders is over the age of 18, and resides within the City of Watertown, as required by §11-c (2) of the New York Domestic Relations Law,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown that Ann M. Saunders is appointed as a Marriage Officer for the City of Watertown with the duties established by §45-11.3 of the City Code of the City of Watertown and by Article 3 of the New York Domestic Relations Law.

SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS on June 1, 2011 the City Council passed a resolution adopting the Budget for Fiscal Year 2011-12, of which \$38,023,157 was appropriated for the General Fund, and

WHEREAS on July 5, 2011 the City Council re-adopted the General Fund Budget to increase appropriations by \$25,240 to pay the costs of the Symphony Syracuse concert to a total of \$38,048,397, and

WHEREAS on August 1, 2011 the City Council re-adopted the General Fund Budget to increase appropriations by \$45,150 to pay the costs of the change order to the contract with Bat-Con to reconstruct the J. B. Wise parking lot to a total of \$38,093,547, and

WHEREAS included in the General Fund Budget for Fiscal Year 2010-11 was an appropriation of \$38,000 for the purchase of a pick-up for the Department of Public Works' roads maintenance department (A5110.0230), and

WHEREAS the purchase of said vehicle was not ordered prior to the end of the fiscal year due to budget freezes as well as the timing of and the lack of inventory available through the New York State Contract, and

WHEREAS the vehicle replacement is still needed by the Department of Public Works, and

WHEREAS there is no appropriation in the Fiscal Year 2011-12 General Fund Budget for the purchase, and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby re-adopts the Fiscal Year 2011-12 Budget for the General Fund in the total amount of \$38,131,547, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that the following adjustment be included in the re-adopted Fiscal Year 2011-12 General Fund Budget.

GENERAL FUND	<u>Revenues</u>	
	Appropriated Fund Balance	<u>\$ 38,000</u>
	Total	<u>\$ 38,000</u>
	<u>Expenditures</u>	
	A 5110.0230 Road Maintenance – Vehicles	<u>\$ 38,000</u>
	Total	<u>\$ 38,000</u>

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER TERESA R. MACALUSO

WHEREAS the City Purchasing Agent has advertised and received sealed bids for the purchase of new and unused police uniform apparel, on an as needed basis, as specified by the Police Department for the period July 1, 2011 – June 30, 2013, and

WHEREAS invitations to bid were issued to seven (7) prospective bidders with three (3) bids submitted to the Purchasing Department, and

WHEREAS on Monday, September 12, 2011, at 11:00 a.m., the bids received were publicly opened and read, and

WHEREAS City Purchasing Agent Amy M. Pastuf reviewed the bids received and is recommending that the City Council accept the bid submitted by United Uniform of Buffalo, New York,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid of United Uniform of Buffalo, New York, for Police Officers' uniforms, on an as needed basis

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER TERESA R. MACALUSO

WHEREAS the City Purchasing Department has advertised and received proposals to supply and administer immunizations for the standard seasonal flu virus to include immunization for the H1N1 virus, per our requirements, and

WHEREAS invitations to submit proposals were issued to fourteen (14) local medical facilities with two (2) proposals received, which were publicly opened and read in the City Purchasing Department on Monday, September 12, 2011 at 11:00 a.m., and

WHEREAS City Purchasing Agent Amy M. Pastuf reviewed the proposals received, and it is her recommendation that the City Council accept the proposal submitted by MedReady Medical Group of Watertown, New York, in the amount of \$22 per injection with a 75 inoculation minimum,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown, New York, accepts the proposal from MedReady Medical Group of Watertown, New York to administer flu shots to interested employees and retirees of the City of Watertown.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA EXCEPT FOR COUNCIL MEMBER BUTLER VOTING NAY.

INTRODUCED BY COUNCIL MEMBER JOSEPH M BUTLER, JR.

WHEREAS the City Purchasing Agent has advertised and received sealed bids for the purchase of two new, prefabricated, four-post metal pavilions to be placed at Marble Street and Bicentennial Parks, and

WHEREAS invitations to bid were issued to five (5) prospective bidders with one (1) bid submitted to the Purchasing Department, and

WHEREAS on Wednesday, September 7, 2011, at 11:00 a.m., the bid received was publicly opened and read, and

WHEREAS City Purchasing Agent Amy M. Pastuf reviewed the bid received and is recommending that the City Council accept the bid submitted by Denzak Recreational Design & Supply, Inc. of Syracuse, New York,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid of Denzak Recreational Design & Supply, Inc. of Syracuse, New York, for the purchase of two prefabricated, four-post metal pavilions in the amount of \$50,528.90.

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA

Prior to the vote on the foregoing resolution, Council Member Smith asked the amount that was in the budget for this project and whether the pavilions were over or under budget.

Mr. Lumbis stated that the amount was slightly over the budgeted amount but it was based on a 2009 price. He stated the original quote from two years ago was \$20,600 and they figured a 4% increase per year. This calculated to \$22,300. The building that they chose was not the same as originally quoted. The structural eaves were added to make it more vandal proof and six foot post were replaced with four foot post which require the steel beams to be larger.

Council Member Butler asked if a picture was available for the Council.

Mr. Lumbis presented the drawing to the Council.

Council Member Butler asked for further explanation to the increase in cost.

Mr. Lumbis reminded him that the quote was two years old and the original plan was to use an outside contractor instead of the staff from the Department of Public Works. Using the DPW, decreased the cost of the project.

Council Member Butler asked if the pavilions would accommodate picnic tables and what was the intended use.

Mr. Lumbis stated that it would have a concrete pad so there was room for picnic tables. In addition, a grill and benches could be placed outside the pavilions.

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS John Walsh of Paradigm Design has made an application on behalf of Food Tech, LLC for approval of a site plan for the construction of a 14,891 square foot freezer warehouse addition and a 4,368 square foot loading dock addition to the Renzi Foods freezer warehouse facility located at 901 Rail Drive, parcel 9-43-101.008, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on September 6, 2011, and recommended that the City Council of the City of Watertown approve the site plan, contingent upon the following:

1. The applicant shall depict turn movements for the City Fire Department's ladder truck as it passes through the western end of the parking lot, ensuring a clear path of access even when the parking lot is full or the aisles are skewed.
2. The fire apparatus road must be maintained and plowed all year.
3. The applicant shall install a fence or safety rail along the top of the retaining wall.
4. The applicant shall provide a stamped and signed copy of the

Storm water Pollution Prevention Plan sent to NYSDEC for SPDES permit.

5. Further development of the site will increase storm water flows to the infiltration basins and exacerbate their already poor performance. The owner should consider taking additional measures such as upland ponds or basins to mitigate flooding on the property.
6. The applicant shall install shade trees every 40' on center around the perimeter of the parking lot in strategically located areas outside the traditional snow storage areas on site, as recommended by the Planning Board's Landscaping and Buffer Zone Guidelines.
7. The applicant shall install additional fire hydrants or water lines as recommended, if deemed necessary by the Fire Department or Code Enforcement.

And,

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part 2, and has determined that the project, as submitted, is Unlisted and will not have a significant effect on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed construction and site plan constitute an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED that it is an express condition of this site plan approval that the applicant provide the City Engineer with a copy of any change in stamped plans forming the basis for this approval at the same time such plans are provided to the contractor. If plans are not provided as required by this condition of site plan approval, the City Codes Enforcement Officer shall direct that work on the project site shall immediately cease until such time as the City Engineer is provided with the revised stamped plans. Additionally, any change in the approved plan which, in the opinion of the City Engineer, would require Amended Site Plan approval, will result in immediate cessation of the affected portion of the project work until such time as the amended site plan is approved. The City Codes Enforcement Officer is requested to periodically review on-site plans to determine whether the City Engineer has been provided with plans as required by this approval, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown, that site plan approval is hereby granted to John Walsh of Paradigm Design on behalf of Food Tech, LLC for approval of a site plan for the construction of a 14,891 square foot freezer warehouse addition and a 4,368 square foot loading dock addition to the Renzi Foods freezer warehouse facility located at 901 Rail Drive, parcel 9-43-101.008, as shown on the site plan submitted to the City

Engineer on August 22, 2011, contingent on the applicant making the revisions and meeting the conditions recommended by the Planning Board as listed above.

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA

THE RESOLUTION “APPROVING THE SPECIAL USE PERMIT REQUEST SUBMITTED BY TAMARA PULLEY TO ALLOW ATV, SNOWMOBILE, AND AUTOMOBILE SALES AT 426 ARSENAL STREET, PARCELS 7-05-206, 7-05-207 AND 7-05-208”. (Introduced on September 6, 2011; public hearing held this evening; appears in its entirety on page 227-228 of the 2011 Minutes Book).

Council Member Macaluso stated that she feels Ms. Pulley should be allowed a six month probation period.

Council Member Butler stated that he is torn with this decision and has talked to the business owner and neighbor. He feels that there is no good solution whenever there is a commercial property in the middle of residential properties. He wants to try and encourage businesses to come here but given the history of the property doesn't feel a six month permit is the solution.

Council Member Macaluso feels that even though this property has caused problems in the past, this is not the same business owner. She feels that Council is neglecting their duties if it does not give Ms. Pulley an opportunity. She understands that some of the neighbors are not happy so she feels six months would give them enough time to decide if this will work.

Mayor Graham stated that the problem with finite permit is that is it subjective. Council is then put in the position of expiring the permit and closing the business. He has concerns with Ms. Pulley's inability to designate a franchise.

Council Member Burns mentioned that she did receive letters from two property owners opposed to the business. She was involved with the vote in 2003 and was uncomfortable with it at the time. She wanted to give the business owners a chance to prove they could be good neighbors and meet the stipulations. She understands that different family members are now involved but there is problem when the business owner is not the property owner. She wonders how much Council can put on the tenant and how the tenant can put the money into meeting these obligations. The property owner has a proven track record of not doing the improvements and not being a good neighbor. She cannot support this.

Council Member Smith stated this is difficult because there is an individual who wants to bring a business to the community but Council needs to recognize that community is more than just a business. The neighbor has been there longer and dealt with the hassle in prior years. He feels that this is not fair to the people who have been life long and backbone to the community.

THE RESOLUTION WAS DEFEATED WITH ALL VOTING NAY EXCEPT FOR COUNCIL MEMBER MACALUSO VOTING YEA.

MOTION WAS MADE BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. TO TAKE FROM THE TABLE THE RESOLUTION “APPROVING THE SPECIAL USE PERMIT REQUEST SUBMITTED BY SHEILA SWEET TO ALLOW THE CONTINUATION OF AUTO DETAILING AND AUTO SALES, AND THE COMMENCEMENT OF AUTO REPAIR AT 804 STATE STREET, PARCEL NUMBER 12-06-322”. MOTION WAS SECONDED BY COUNCIL MEMBER TERESA MACALUSO AND CARRIED WITH ALL VOTING IN FAVOR THEREOF. (Introduced on August 15, 2011; public hearing held on September 6, 2011; appears in its entirety on page of the 2011 Minutes Book).

Mayor Graham stated that if Council is going to allow a business on that property then it cannot limit its ability to make money and require them to make property improvements. He stated that property issues should be addressed with the property owners not the tenants. He does not feel that the Council can impose paving requirements on the business owner. He feels that should have been addressed when the property was sold.

Council Member Macaluso agreed stating that Council wants all these things but we are not giving them the opportunity to make the extra money.

Council Member Smith does not want to see this individual put out of business but feels that the noise is a concern to the neighbors. He is in favor of supporting this special use permit but not supportive of the auto repair.

Council Member Burns wants to see the paving done but feels that the wrong person is being asked. She would like to see the property owner step up to the plate but does not think Council has any legal recourse.

Council Member Butler feels that the property is substandard in appearance due to the fence and the gravel. He understands that this is the property owners issue but he will stick to his commitment to make properties look better. That was one of his reasons for running for office and will not support this for those reasons.

Mayor Graham asked for clarification on the extension of the resolution as it is written.

Mrs. Corriveau responded that the extension is indefinite if the three conditions are met.

Mr. Slye commented that if the three conditions are met then the business owner has the special use permit to perform auto detailing, auto sales and auto repairs from this point forward. If the three conditions are not met, then Council must seek to revoke the special use permit by a hearing. The business owner must show cause as to why he did not meet the conditions.

Mayor Graham inquired why Council is dealing with the tenants that may come and go to make these improvements instead of the property owners. He wondered if the property owners should be requesting the special use permit to lease the property to the tenant.

Mr. Slye responded that this is a tenant and landlord issue and should be addressed in the negotiation to their lease.

Mayor Graham noted that City does not allow the tenant to sign up for water service and the property owner must do this. He questioned if the special use permit should be handled in the same manner.

Mr. Slye responded that the water service is a different situation because the water bill becomes a lien against the property. In this case, it is only the tenant that is going to suffer if he does not meet the conditions of the special use permit.

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND CARRIED WITH ALL VOTING YEA EXCEPT FOR COUNCIL MEMBER BURNS AND COUNCIL MEMBER SMITH VOTING NAY.

ORDINANCES

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

BE IT ORDAINED where Brian J. Burri of Bergmann Associates, on behalf of Sunoco, has made application by petition filed with the City Clerk, pursuant to Section 83 of the New York General City Law to change the approved zoning classification of the rear section of 1222 Washington Street, parcel numbers 14-13-201 And 14-13-232, from Residence A to Neighborhood Business, and

WHEREAS the Planning Board of the City of Watertown considered the zone change request at its meeting held on September 6, 2011, and unanimously defeated a motion recommending that the City Council approve the zone change as requested, and

WHEREAS a public hearing was held on the proposed zone change on October 3, 2011, after due public notice, and

WHEREAS the City Council has made a declaration of Negative Findings of the impacts of the proposed zone change according to the requirements of SEQRA,

WHEREAS the City Council deems it in the best interest of the citizens of the City of Watertown to approve the requested zone change, and

NOW THEREFORE BE IT ORDAINED that the zoning classification shall be changed for the rear sections of parcels 14-13-201 and 14-13-232 located at 1222 Washington Street, from Residence A to Neighborhood Business, as depicted by the drawing titled "REZONING PLAN" submitted by Bergmann Associates to the City Engineer on August 19, 2011, and

BE IT FURTHER ORDAINED that the Zoning Map of the City of Watertown shall be amended to reflect the zone change, and

BE IT FURTHER ORDAINED this amendment to the Zoning Ordinance of the City of Watertown shall take effect as soon as it is published once in the official newspaper of the City of Watertown, or printed as the City Manager directs.

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO

MOTION WAS MADE BY COUNCIL MEMBER JEFFREY M. SMITH TO SCHEDULE A PUBLIC HEARING ON THE FOREGOING ORDINANCE FOR MONDAY, OCTOBER 3, 2011 AT 7:30 P.M. MOTION WAS SECONDED BY COUNCIL MEMBER TERESA MACALUSO AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

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COUNCIL DISCUSSED THE FOLLOWING TOPICS:

Morrison Street Safety Review

Mayor Graham explained that a resident stated it was difficult to see when backing into the street when cars were parked on the street. A safety review was done and City staff concurred. Mayor Graham feels that a letter should be sent to the people in the affected blocks of Morrison Street. This would allow the opportunity for their input.

Council Member Smith agreed.

Mayor Graham stated that Council can revisit this in a month after feedback has been received.

Letter from Thousand Islands Area Habitat for Humanity

Mayor Graham presented a thank you letter from Thousand Islands Area Habitat for Humanity dated September 12, 2011. He stated that the houses look very nice and it is an improvement.

Fall Drop Off Flyer

Mayor Graham presented the flyer for the Fall Drop Off. He mentioned that he has been contacted by individuals with concerns of the location at the Fairgrounds. He stated that it does not look good having trash picked up when people are there for recreational activities. He wondered if another location would be better in the future.

Council Member Smith agreed that the date, time and location is not beneficial. It limits the ability to park in that parking lot.

Mrs. Corriveau stated that when it was held at JB Wise parking lot, cars backed up on Black River Parkway.

Mayor Graham asked if the Public Works and Recreation could discuss other locations.

Mrs. Corriveau pointed out that the residents are also allowed to drop off household hazardous waste and electronic equipment. This is sponsored by the Development Authority of the North Country and NYS Department of Environmental Conservation.

R.P. Flower Memorial Library Board of Trustees Meeting Minutes

Mayor Graham presented the R.P. Flower Memorial Library Board of Trustees Meeting Minutes from August 9, 2011 to the Council.

Loan Request for Watertown Trust

Mayor Graham wanted to make Council aware of an issue that was brought to him by Mrs. Corriveau. Watertown Trust operates a revolving loan fund to businesses within the city limits. Normally, Council is protective of that domain in that it is not a regional operation and is focused on the City needs. There is a requirement of the lending policy of the trust stating that any loans done outside of the city requires the consent of Council.

There is a deal with various governments and banks within the county to provide 7 million dollars for a housing project to service Fort Drum to be built in Town of Watertown and Town of Leray. The IDA was to provide 2 million dollars of this funding but does not have the sufficient cash flow to do this. The IDA has asked to borrow \$660,000 from the Watertown Trust at a rate of 3% for 5 years.

Mayor Graham pointed out that this is a developmental agency loaning money to another developmental agency for locations outside the city. He has a concern with loaning money between agencies and wondered if this should require the consent of the Council. He wanted to make the Council aware of this because it will be addressed at a meeting this Wednesday.

Council Member Smith stated that Council would need more information on the project and the request.

Council Member Butler asked if the loan would be paid back in full.

Mayor Graham stated that the loan would be paid in full but it ties up the capital of the Watertown Trust instead of the IDA. He mentioned this is a regional issue and maybe it should be handled by the Regional Development Agency.

Council Member Butler asked how money is available to loan.

Mrs. Corriveau responded that the Watertown Trust has 2.8 million available with approximately 1.6 million coming in. She stated that the Watertown Trust already has a number of commitments.

Mayor Graham stated that this is a large single request even though it is guaranteed with the RCI monies in the future years but it is below the normal rate that is charged of 5%.

He wondered if it was alright to do because it is a one-time event but should Council be approving it and then does this set a precedent. He mentioned that maybe the IDA should seek funding sources that are broader base in nature.

Council Member Smith stated that Council should wait for more information. He stated that they might not even need the loan if there is funding available from other sources.

Mrs. Corriveau stated that Council's role in regard to the loans is to determine if it will have a positive economical impact on City.

Council Member Smith stated that it is important to know the interest rate because loaning unsecured money at a low rate would have a large impact on the City.

Council Member Burns was concerned with the possibilities of a project within the city limits arising and not having the funds available to loan. She stated that Council supporting housing outside the City could have a negative impact on the rental properties within the City.

Mayor Graham stated that the Watertown Trust was set up to benefit the City and is not just a seconding lending source for regional projects. DANC was created to work on regional issues.

Council Member Smith stated Council should make a decision once further information is present.

Council Member Butler agreed with Council Member Smith.

Mrs. Corriveau stated that a request for a loan for a project outside the city is required to submit written details of the project and how it will impact the City. This application did not come with this.

Mayor Graham agreed that this project did not follow the policy. He is concerned that this is a large single loan to one customer and questioned if the lending policy has limits on housing.

Council Member Burns stated that if the project had followed the regulations set up and provided the supporting documentation many of the Council questions would be answered. She feels that they should be required to follow the policy.

Aviary Preliminary Design Report

Mr. Mix introduced Mary Cecil and Benjamin Talbot from Bernier Carr and Associates P.C.

Mr. Talbot reviewed the effects of the Occupancy Change from U – Utility and Miscellaneous status to A3 – Assembly. He stated A3 status is more restricted by codes and more stipulations play a role which affected the design. First the existing condition of the structure was reviewed and the foundation seemed structurally sound. The nature of enclosing the building does have an

impact on wind load, snow load and seismic load. Therefore, additional support is needed for the structure. The roofing will be composed of steel as well as a translucent material.

Ms. Cecil mentioned the number of occupants and use of the area must be considered when moving to an A3 –Assembly Space occupancy. This requires the addition of restrooms, a mechanical room, entrance room, seating area, platform area for presentations and preparation area. The electric would need to be upgraded because the current utility service is already maximized. Water and Sewer will be also need to be provided to the building. They were able to find a water line that could be utilized but sewer will need to tap into through another building. The heating system will be a forced air system with a small domestic boiler. The building will require a full fire alarm system to include monitoring as well as a sprinkler system.

The energy code compliance will be a challenge with the vision that was given during the preliminary meetings. The hope of the area was to be open with a lot of natural light and to give the feel of being outside. This causes more difficulties for the structure. The increased amount of glass needed to have a clear view to the sky will cause heat loss at night and overheating heating issue during the day.

Mr. Talbot discussed green technology and LEED certification verses LEED equivalent. LEED certification is a benefit but the project could utilize green design technology. LEED projects require an additional work in paperwork, investigations and standards that need to be followed. This will increase construction fees as well as have monitoring costs into the future. It might be beneficial to look at some sound green technologies in place of the LEED certification.

Ms. Cecil presented the preliminary construction cost. Reconstruction of the existing structure costs total \$426,746. This includes demolition, new concrete work, structural steel modification, exterior veneer, roof decking, architectural woodworking, raised flooring, electric, plumbing and heating, fire protection and site restoration. She does not anticipate finding much asbestos, lead or PCBs but does want to make sure it is included. Alternative Energy Systems cost total \$240,000 which includes photovoltaic array, geothermal test well, geothermal well field and solar hot water system. Building Additions costs are \$163,800 which included the entry room, restrooms, catering kitchen addition, mechanical room and exhibit area. Ms. Cecil did discuss the idea of doing the project in phases over a couple of years.

Mayor Graham commented that to get started without the alternative energy would be approximately \$590,000.

Ms. Cecil stated that if the geothermal was adopted the air source could be switched to a water source by changing the pumps. She estimated needing 11 geothermal wells so that there are back up wells in case one freezes in the winter.

Ms. Cecil stated the bottom line with everything included would be \$830,540 and with all the soft costs included the total would be \$1,107,629.

Mayor Graham asked why the construction inspection cost was \$83,055.

Mr. Mix stated the rule of thumb is to figure 10% of the total cost. He stated that he will utilize in-house staff if available. Otherwise, he wanted to make sure that it was accounted for in case it is needed to hire an outside source.

Ms. Cecil explained that Bernier Carr and Associates fee of \$427,775 is locked if the project moves forward. If the project does not continue then their fee would be just what they have invested. If the LEED certification is done then the construction fees would increase 10% and Bernier Carr and Associates fee would increase by \$13,000.

Council Member Butler asked why the Grazing/Kalwal under the Reconstruction section was \$100,400.

Ms. Cecil responded that it is due to glazing at an angle, requirements of tempered glass and structural requirements of a curtain wall system for support.

Council Member Butler asked for the life expectancy of the glazing.

Ms. Cecil responded that the glazing system has an expected useful life is 25-30 years and a warrantee for 10 years.

Ms. Cecil agreed that the A-frame is not a very friendly design because of the time period in which it was designed. It now has to be redesigned and retro fitted to meet new codes because of the change in occupancy from U – Utility to A3 – Assembly.

Mayor Graham asked Mr. Wright to tell the Council about the anticipated use of this building.

Mr. Wright stated that the zoo does not have a proper space for educational presentation. This design is capable of doing that giving the resources they had. He also mentioned that Council Member Burns has a connection with this building. He stated that the cost of preserving a building are usually higher but he does feel there is an effort to save this building as well as make it more functional. He stated that the multimedia aspect would allow for functions for approximately 60 people. He felt more schools would utilize the area as well.

Ms. Cecil stated that it is early enough in the process that changes could be made or decide how to proceed. This work was done for budgeting purposes so changes could be made in occupancy and use which would reduce the code requirements.

Mr. Hauk commented that this topic was originally to be discussed at a work session. He felt that it should be looked at further at a future work session.

Council Member Smith commented that the Council should receive input from the Zoo Board.
Mayor Graham stated that this could be discussed at the October work session.

Haley Street Fence

Council Member Butler mentioned that he has been contacted by a resident regarding the Haley Street fence situation. The resident feels that the Council should act on this problem and does not want to wait for the Planning Board to revise the ordinance.

Bishop Street Lighting

Council Member Butler commented that there is a lack of lighting on Bishop Street and asked if the staff has reviewed that situation.

Mrs. Corriveau stated that staff has reviewed this and is looking into the lighting inventory to see if a light fixture had been removed.

Sales Tax Revenue – August 2011

Council reviewed the memo regarding the Sales Tax revenue for August 2011.

North Country Regional Economic Development Council

Mayor Graham presented Council with copies of his letter to the North Country Regional Economic Development Council.

MOTION WAS MADE BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. TO MOVE INTO EXECUTIVE SESSION TO DISCUSS THE SALE OR PURCHASE OF REAL PROPERTY WHERE PUBLIC DISCLOSURE COULD AFFECT THE VALUE OF AND THE EMPLOYMENT HISTORY OF A PARTICULAR INDIVIDUAL.

MOTION WAS SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Council moved into Executive Session at 9:46 P.M.

Council reconvened at 10:18 P.M.

ADJOURNMENT

AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 10:18 P.M. BY MOTION OF COUNCIL MEMBER JOSEPH M. BUTLER, SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Ann M. Saunders
Deputy City Clerk